

Atty. Docket: H-US-01904 (1750-3)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Piskun, Gregory EXAMINER: Matthew J. Kasztejna
SERIAL NO.: 10/668,542 GROUP ART UNIT: 3739
FILING DATE: September 23, 2003 DATED: August 24, 2010
FOR: **LAPAROSCOPIC INSTRUMENT AND TROCAR
SYSTEM AND RELATED SURGICAL METHOD**

Conf. No.: 2121

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313

Via EFS Web

**REMARKS UNDER 37 CFR §1.137(f) ESTABLISHING UNINTENTIONAL
DELAY FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR
INTERNATIONAL FILING**

Sir:

In response to the letter from Liana Walsh of the Office of Petitions mailed on July 30, 2010 regarding the above-identified application, Applicant respectfully requests consideration of the following remarks under 37 CFR §1.137(f) with respect to establishing unintentional delay for revival of the above-mentioned application for patent abandoned for failure to notify the Office of a foreign or international filing.

CERTIFICATION OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being filed electronically via EFS-Web to the United States Patent and Trademark Office, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date below.

Dated: August 24, 2010



Lisa Anfuso

As indicated in the aforementioned letter of July 30, 2010, on June 17, 2010, Applicant duly filed a petition under 37 CFR §1.137(b) to revive the above-identified application. The July 30, 2010 letter indicates that the petition under 37 CFR §1.137(b) has been granted.

The letter also indicates that if the petitioner wishes the instant petition to also be treated under 37 CFR §1.137(f), a separate petition under 37 CFR §1.137(f) is required with a separate petition fee and the date of foreign filing.

With respect to the accompanying petition under 37 CFR §1.137(f), petitioner respectfully calls to the Examiner's attention that on July 7, 2005, international application PCT/US2005/024111, "LAPAROSCOPIC INSTRUMENT AND CANNULA ASSEMBLY AND RELATED SURGICAL METHOD", was filed with the US Receiving Office.

In addition, on July 12, 2005, international application PCT/US2005/024636, "LAPAROSCOPIC INSTRUMENT AND CANNULA ASSEMBLY AND RELATED SURGICAL METHOD", was filed with the US. Receiving Office.

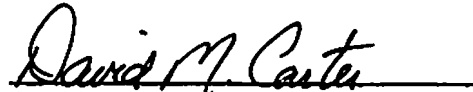
New attorneys of record, associated with Customer No. 50855, were approved by the Commissioner on September 28, 2009.

Since attorneys of record associated with Customer No. 50855 were approved by the Commissioner on September 28, 2009, neither the undersigned nor the other attorneys of record associated with Customer No. 50855 approved by the Commissioner on September 28, 2009 were in a position to comply with the requirements of 35 U.S.C. 122(2)(B)(iii) to notify the USPTO within 45 days of the aforementioned PCT application filings.

Therefore, the delay in filing the accompanying petition under 37 C.F.R. 1.137(f) is unintentional. A payment of the petition fee of \$400 accompanies the instant petition.

Should the Examiner believe that a telephone interview may facilitate prosecution of this application, the Examiner is respectfully requested to telephone Applicant's undersigned representative at the number indicated below.

Please charge any deficiency as well as any other fee(s) that may become due under 37 C.F.R. § 1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s), to Deposit Account No. 21-0550.


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